D.B. CIVIL WRIT PETITION NO. 3465/2007
(Smt. Deudevi V/s. State & Ors.)

Date of order : 18.09.2007

HON'BLE MR. RAJESH BALIA, J.
HON'BLE MR. SANGEET LODHA, J.

Mr. I.R. Choudhary, for the petitioner.
Mr. N.M. Lodha, A.A.G.
Mr. Rajesh Panwar, for the respondent.
Mr. R.R. Vyas, for the Corpus.

There are averments made in the petition, it appears to be more a case of matrimonial dispute than a matter of invoking extraordinary jurisdiction for writ of Habeas Corpus.

Admittedly the respondent no. 4 and daughter of petitioner are married since April, 2003 and it was an arranged marriage. It appears from the averments made in the petition that matrimonial disharmony have prevailed soon after the marriage and there has been hurdle in the matrimonial home. According to the petitioner who is mother of Corpus Smt. Gyatri her daughter was ill treated at her matrimonial home and she was kept under confinement. She has been brought time and again to her parents' house but by subsequent intervention of the

members of the community, she has returned to her matrimonial home. The present petition has been filed on the averment that Smt. Gyatri has informed the petitioner that she is being kept under confinement and is not allowed to move out the her room and that she is ill treated. She is also pragnent.

She is currently staying with her parents which is also not in dispute, though at the time when this petition was filed she was with her husband. The girl is in the family way is also not in dispute. She has expressed her desire to stay with the parents in the court. She being a major, the question of entitlement to the custody of wife is not germane for the purpose.

Since she is residing with her parents at this time with her free will, no orders are required to be passed in this petition for freeing her from the alleged illegal detention in her in-laws house. The petition therefore, does not require further consideration any more and is disposed of as having become infructous.

The parties are otherwise free to approach to seek appropriate remedy before appropriate forum for settling their matrimonial disputes.

The petition is accordingly disposed of.

(SANGEET LODHA)J. **(RAJESH BALIA)J.**

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